

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE:

NORTHPOINT COMMUNICATIONS, INC.

DOCKET NOS. TCU-99-48
WRU-99-55-3367

ORDER GRANTING APPLICATION AND GRANTING WAIVERS

(Issued February 23, 2000)

On December 29, 1999, NorthPoint Communications, Inc. (NorthPoint), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999). NorthPoint intends to offer local exchange service in the exchanges served by U S West Communications, Inc. (U S West), and GTE Midwest Incorporated (GTE). No objections were filed.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Board finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with the public interest." The Board has carefully reviewed NorthPoint's application and finds it is in the public interest to grant a certificate to NorthPoint.

NorthPoint stated it adopts the local exchange boundary maps of U S West and GTE currently on file with the Board. NorthPoint requested a waiver of 199 IAC 22.3(1) that requires it to publish a directory. The Board will grant NorthPoint's request for waiver of the requirement that it independently publish a directory. It is not necessary

for NorthPoint to publish a separate directory until it has a significant number of customers in Iowa. Until that time, NorthPoint should make arrangements for its customers to be listed in the directory of another company serving in the exchange. NorthPoint also requested a waiver of 199 IAC 18.2, which requires its records be kept in Iowa. The Board finds good cause and will grant waiver of that requirement. NorthPoint must make its records available to the Board, if necessary.

NorthPoint stated it will initially provide data-only transmission service and requested the Board grant a temporary exemption from the requirement in Iowa Code § 476.29(5) that it serve all eligible customers until it begins providing local exchange service. When NorthPoint is providing only nonswitched data transmission service, no certificate is required. The Board will not consider NorthPoint's request for a temporary exemption, because the obligation to serve will not apply until NorthPoint's local exchange service tariff is approved and a certificate is issued.

IT IS THEREFORE ORDERED:

1. The application for a certificate of public convenience and necessity filed by NorthPoint Communications, Inc., on December 29, 1999, is granted, subject to the requirements that follow.

2. At the time NorthPoint files local exchange service tariffs with the Board, it must file a statement regarding the availability of a 2-PIC methodology for dialing parity. Upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service, the Board will issue a certificate of public convenience and

necessity allowing NorthPoint Communications to provide local exchange service in Iowa.

3. NorthPoint's concurrence in U S West and GTE's exchange maps is approved.

4. NorthPoint's requests for waiver of 199 IAC 22.3(1) and 18.2 are granted.

5. NorthPoint's request for a temporary waiver of the obligation to serve all eligible customers is not considered as discussed in the body of this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 23rd day of February, 2000.